

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

PENINSULA PLUMBING, INC., an
Oregon corporation

Plaintiff,

v.

**RHEEM MANUFACTURING
COMPANY**, a Foreign entity, and **KELLER
PLUMBING SUPPLY CO.**, a Foreign entity
doing business as Keller Supply Company,

Defendants,

**RHEEM MANUFACTURING
COMPANY**, a Foreign entity,

Third Party Plaintiff,

v.

BOCK WATER HEATERS, INC., a
Wisconsin corporation,

Third Party Defendant.

Case No. 3:19-cv-00122-AC

ORDER

IMMERGUT, District Judge.

On October 2, 2020, Magistrate Judge John Acosta issued his Findings and Recommendation (F&R), ECF 30. The F&R recommends that this Court dismiss this action without prejudice for failure to prosecute. No party has filed objections.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Acosta’s conclusions. The F&R, ECF 30, is adopted in full. This case is DISMISSED without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

DATED this 15th day of October, 2020.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge